

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DWIGHT DURAN, *et al.*,
Plaintiffs,

v.

No. 77-cv-00721-KK-SCY

MICHELLE LUJAN GRISHAM, *et al.*,
Defendants,

DECLARATION OF

Annette Dominguez

Under 28 U.S.C. § 1746, I, Annette Dominguez, declare

under penalty of perjury that the following is true and correct and state as follows:

In umarch 2023 I was housed unit 2
F 103 my toilet would not flush and
reported it to staff they took 7 days
to fix my toilet. During the 7 days I had
to use someone elces toilet. I had no
access to a toilet inside my cell for 7 days
during Count or lockdown.

Dated: 4-17-23

Annette Dominguez
NMCD Inmate
Inmate No. 604029

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
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MICHELLE LUJAN GRISHAM, *et al.*,
Defendants,

DECLARATION OF

Betty Albert

Under 28 U.S.C. § 1746, I, Betty Albert, declare

under penalty of perjury that the following is true and correct and state as follows:

I am housed in Unit 7, pod J, cell 105.
There has been no water in my toilet
beginning April 1, 2023. I told security
that same day but maintenance did not come
to look at it until April 16. It is still broken.

Dated: 4/17/2023

Betty Albert

NMCD Inmate

Inmate No. 46837

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DECLARATION OF

Santana Downey

Under 28 U.S.C. § 1746, I, Santana Downey, declare

under penalty of perjury that the following is true and correct and state as follows:

April 12, 2023 The Toilet in unit 10
stopped working we told the officers
that day They did not fix it until
April 17, 2023. I have lived in this
unit at this time with 18 other
women & only 2 working toilets.

Dated: 4-17-2023



NMCD Inmate

Inmate No. 87787

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Defendants,

DECLARATION OF JAREL STEVENS

1. My name is JAREL STEVENS. I am over eighteen years of age and competent to testify as to the matters set forth herein.
2. The statements in this declaration are based on my personal knowledge.
3. I am currently an inmate of the New Mexico Corrections Department (NMCD).
4. My NMCD inmate number is 82519.
5. I arrived at the Central New Mexico Correctional Facility (CNMCF) located in Los Lunas, New Mexico on April 26, 2023.
6. I was moved to Unit 2A-A, cell 112 on May 2, 2023.
7. When I tried to use the toilet on May 2, it would not flush. I would push the flush button and nothing would happen.
8. I immediately yelled out to the officer in the control tower that my toilet would not flush and the officer said they would try and get someone to come and fix it.
9. The next day, on May 3, I repeatedly reported to every officer that came through the pod that my toilet would not flush.
10. I was forced to use the toilet in another inmate's cell and risk getting written up.

11. On May 4, another inmate from Unit 2A-A was moved out of the unit so I asked if I could be moved to his cell, which was cell 109. The control officer said I could move to that cell and I did the same day.

12. While I was in cell 109 on May 4, maintenance came to the unit but did not do any work on the toilet in cell 112.

13. When it was time for count on May 4, the officer conducting count asked me what I was doing in cell 109 because his records showed it was supposed to be vacant. I told him that the control officer said I could move to cell 109 because the toilet in cell 112 did not work. The count officer ordered me to move back to cell 112 once count was finished and I did.

14. Maintenance never came to fix my toilet the rest of the time I was housed in cell 112.

15. From May 8 through May 12, during Officer Appreciation Week, I was locked down in my cell without a functioning toilet for many hours at a time. I was locked down from around 11am to 5pm every day that week. One of those days I was locked down from around 9am to 5pm.

16. During these six to eight hour lock downs I had no access to a functioning toilet and there were times when I could not wait and was forced to use my toilet that did not flush.

17. I also had no access to a functioning toilet during all lockdowns at night from 8pm to approximately 6am the next day.

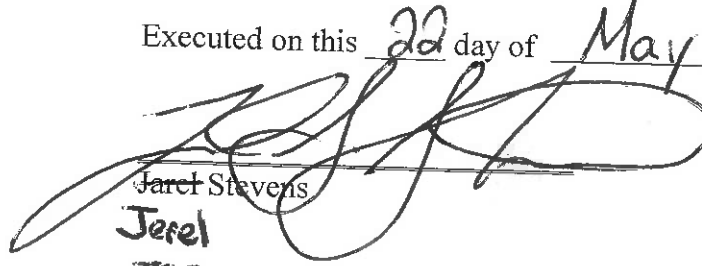
18. I continued to report that my toilet did not flush to officers while housed in cell 112.

19. On Sunday, May 14, I reported to an officer again that my toilet did not flush and asked if I could be put on list to move to a different open cell.

20. I was finally moved to a new cell, 108, on Sunday May 14, 2023 around 8:30pm.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 22 day of May, 2023


Jerel Stevens
Jerel
JS